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5 IN THE UNITED STATES DISTRICT COURT
6
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 UNITED STATES OF AMERICA,
10 Plaintiff,

No. CR 14-00306 WHA

11 v.

12 LUKE D. BRUGNARA,
13 Defendant.
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**ORDER RE SUBPOENAED
ATTORNEYS'
COMMUNICATIONS AND
TESTIMONY AT TRIAL**

15 Last month, the Clerk issued subpoenas to Assistant Federal Public Defender Brandon
16 LeBlanc, Attorney Harris Taback, and Attorney Robert Kane, so that those attorneys would
17 deposit certain sealed communications with the Court and be available to testify at defendant's
18 trial. Thereafter, the parties stipulated to Edward Swanson as special master, so that he may
19 review *in camera* those sealed communications between defendant and the subpoenaed attorneys
20 (Dkt. Nos. 124, 125).

21 To the extent that defendant's trial is rescheduled for new dates, it is the government's
22 burden to seasonably serve new subpoenas on Attorney LeBlanc, Attorney Taback, and Attorney
23 Kane, or to reach standby agreements therewith, so that the subpoenaed attorneys are available to
24 testify at defendant's trial on the rescheduled dates. The same is true for Special Master
25 Swanson. The government must make sure that he remains available during trial.

26 All should be further aware, however, that the subpoenaed attorneys' return date does not
27 automatically track new trial dates if they are continued from time to time.
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1 Additionally, the government shall promptly advise all subpoenaed lawyers that when the
2 time for resolution of the attorney-client privilege issue comes, the time within which to rule will
3 be very short and that the subpoenaed attorneys are invited to file a brief on the subject by the
4 first day of trial.

5 Furthermore, the undersigned judge is in receipt of certain sealed communications
6 deposited by Attorney LeBlanc and Attorney Kane. Should Special Master Swanson wish to
7 retrieve those sealed communications for review so that he can determine which of those sealed
8 communications are subject to the attorney-client privilege and which are not, he will please
9 contact Courtroom Deputy Dawn Toland at (415) 522-2020 for pick-up.

10 The government will please immediately serve a copy of this order on Attorney LeBlanc,
11 Attorney Taback, Attorney Kane, and Special Master Swanson.

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13 **IT IS SO ORDERED.**

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15 Dated: October 7, 2014.

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18 WILLIAM ALSUP
19 UNITED STATES DISTRICT JUDGE
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